

REMARKS

Claims 1-21 are pending. Claims 1, 3, 4, 6, 7, 9, 12, 13, and 16-21 have been amended. No new matter has been added. Reexamination and reconsideration of the present application are respectfully requested.

In the February 22 Office Action, Examiner required election among aspects of the claimed invention depicted in Groups I - III under 35 U.S.C. §121. These Groups included the following:

- I. Claims 1-6, drawn to a method and system for communicating data packets along associated time data between transmitting and receiving component and re-sequencing data packets based on timing data for output or reproduction;
- II. Claims 7-11 and 16-18, drawn to a apparatus and method having interfacing functionality through receiving input data and storing data related to input timing and preparing both data and timing information for transmission in a communication system; and
- III. Claims 12-15 and 19-21, drawn to a apparatus and method for receiving packets of data along with data timing information for the outputting of data based on the data timing information.

Applicants hereby elect the embodiment of the instant invention described in Group III (claims 12-15 and 19-21), for prosecution on the merits.

The foregoing election notwithstanding, Applicants respectfully traverse the restriction requirement, and submit that it is improper.


As the Examiner has implicitly acknowledged, a restriction is proper only when 1) inventions are independent or distinct, and 2) there is a serious burden on the Examiner. (*See February 22 Office Action, pages 2-3 and MPEP § 803*).

Applicants respectfully submit that a search of the prior art with respect to Groups I - III enumerated by Examiner would not constitute an serious burden. While Applicants appreciate that the Examiner will be required to search a different classification class and subclass for each described group, Applicants respectfully submit that the subject matter described in the claims included in each of the aforementioned groups are sufficiently related such that a prior art search with respect to the elected group would likely necessitate a search of the classifications noted for

the non-elected groups as well. Accordingly, Applicants respectfully submit that the restriction requirement should be withdrawn and respectfully request further, favorable action on the merits.

Respectfully submitted,
PILLSBURY WINTHROP SHAW PITTMAN LLP

Date: April 21, 2005

By: 
Roger R. Wise
Registration No. 31,204
Attorney for Applicants

725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406
Telephone: (213) 488-7100
Facsimile: (213) 629-1033